

THE LAW OFFICES OF
ROBERT G. ANDROSIGLIO, P.C.

ATTORNEYS AT LAW

30 WALL STREET, 8TH FLOOR NEW YORK, NEW YORK 10005

(212) 742-0001
FACSIMILE (212) 742-0005

LONG ISLAND OFFICE
445 Broad Hollow Road, Ste. 25
Melville, NY 11747
(631) 920-5394
Facsimile (631) 920-5395

ROBERT G. ANDROSIGLIO
Partner
randrosiglio@rallplaw.com

June 16, 2020

Via ECF

District Judge J. Nicholas Ranjan
United States District Court
Western District of Pennsylvania
700 Grant Street
Pittsburgh, PA 15219

Re: Deidra Hubay et al vs. Janelle Marina Mendez et al
Civil Action No.: 2:19-cv-1327
File No.: 999.4788

Dear Judge Ranjan:

We represent the defendants in connection with the above-reference matter and are writing the Court to object to plaintiffs' Findings of Facts and Conclusions of Law.

The plaintiffs' Findings of Facts and Conclusions of Law should be rejected by the Court since they are attempting to submit a Declaration from a witness who was not disclosed to the defendants and was not produced at the hearing. By attempting to rely of this new witness's statements without the opportunity of cross-examination is extremely prejudicial to defendants. In addition, plaintiffs rested and advised the Court they had no further witnesses, by trying to introduce testimony after plaintiffs have rested and after the hearing was concluded is improper and places the defendants at an unfair disadvantage.

Furthermore, plaintiffs' Findings of Facts and Conclusions of Law is improper and should be precluded by the Court since plaintiffs attempt to submit exhibits which were not part of the record. By plaintiffs introducing evidence which was not presented at the hearing give plaintiffs an unfair advantage as they get to rely on documents without defendants having an opportunity to address and/or contest same.

THE LAW OFFICES OF
ROBERT G. ANDROSGILIO, P.C.

Mr. David G. Oberdick

June 16, 2020

Page - 2 -

Re: Hubay vs. Mendez

Finally, plaintiffs violated this Court Order wherein the length of the post hearing briefs were not to exceed 20 pages. Plaintiffs' Findings of Facts and Conclusions of Law consist of 51 pages which exceed the limit imposed by the Court by 31 pages. Again, plaintiffs attempts to get an unfair advantage over defendants by submitting their post hearing briefs in excess of the Court's page limits.

Given the plaintiffs' flagrant disregard to this Court's Order and their improper submission of evidence and documents which were not disclosed and produced at the hearing renders their submission improper and the only remedy is to preclude plaintiffs' submission. If the Court allows the submission by plaintiffs it will put plaintiffs in an unfair advantage while severely prejudicing the defendants. As a result it is respectfully requested that the Court strike plaintiffs' Findings of Facts and Conclusions of Law and not consult same in its determination of the pending motions.

Thank you for you judicial attention to this matter.

Respectfully yours,

THE LAW OFFICES OF
ROBERT G. ANDROSGILIO, P.C.

/S/

Robert G. Androsiglio

RGA/kd

cc: David G. Oberdick, Esq., Via ECF